

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

IRVINE UNIFIED SCHOOL DISTRICT.

OAH Case No. 2015071195

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING
MEDIATION, PREHEARING
CONFERENCE AND HEARING

On September 1, 2015, Irvine Unified School District filed a request with the Office of Administrative Hearings to continue the initially set dates in this matter based upon the unavailability of its legal counsel and District representatives and requested that OAH set the matter for hearing on December 8 – 10, 2015. On September 3, 2015, Student opposed the request based upon the length in the delay for the hearing as Student would not oppose a shorter continuance.¹

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is:

☒ Granted. All dates are vacated. District established good cause for a continuance in this matter to the requested hearing dates of December 8 – 10, 2015, due to

¹ On September 1, 2015, OAH denied District's prior request without prejudice.

the unavailability of its legal counsel, which is within 90 days of the initially set date, September 15, 2015, for hearing. Therefore, this matter will be set as follows:

Mediation:	November 10, 2015, at 9:30 AM
Prehearing Conference:	November 30, 2015, at 10:00 AM
Due Process Hearing:	December 8, 2015, at 9:30 AM, December 9 and 10, 2015, at 9:00 AM, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge. Matter is assigned to Administrative Law Judge Robert Helfand.

IT IS SO ORDERED.

DATE: September 4, 2015

/s/

PETER PAUL CASTILLO
Presiding Administrative Law Judge
Office of Administrative Hearings